

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

JUSTIN TAROVISKY, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 19-4C
)	(Judge Campbell-Smith)
UNITED STATES OF AMERICA,)	
)	Collective Action
Defendant.)	
_____)	

PLAINTIFFS' CONSENT MOTION FOR LEAVE TO FILE CONSENT FORMS

Pursuant to the Court's November 18, 2020 Order (ECF No. 61), Plaintiffs move for leave to file opt-in notices for additional individuals who have submitted consent forms since January 11, 2021. Plaintiffs' counsel continue to receive consent forms on a rolling basis from individuals wanting to join the case. Plaintiffs' counsel endeavored to obtain consent forms by certain dates in order to minimize the number of filings necessary. However, the statute of limitations has not yet expired for the entirety of any claim stemming from the lapse in appropriations from December 22, 2018 through January 25, 2019. Additionally, the statute of limitations could expire on multiple days depending on when employees' regularly scheduled paydays occurred for the Pay Periods ending on December 22, 2018, January 5, 2019, and January 19, 2019—dates which can vary by agency. Without official notice and a firm deadline, putative plaintiffs for whom the statute of limitations has not passed for all claims have continued to complete forms to join the case. Thus, Plaintiffs respectfully request leave to file additional consent forms as needed prior to the expiration of the statute of limitations for pay violations occurring in the Pay Periods ending on December 22, 2018, January 5, 2019, January 19, 2019.

Counsel for the Plaintiffs conferred with the Government about this motion, which provided the following position consenting to the Plaintiffs' motion:

The United States does not object to plaintiffs filing additional consent to join forms before the expiration of the statute of limitations, as previously contemplated by the Court. The United States reserves, however, the right to object to the adequacy and nature of the forms if necessary as it has previously in other cases, see *Arnold*, No. 19-59C, Dkt. No. 73, with the similar understanding that we do not object to plaintiffs curing any defects, if the Court determines that any exist, after the expiration of the statute of limitations runs.

Respectfully submitted,

s/ Heidi R. Burakiewicz
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Of Counsel for the Plaintiffs

Date: January 12, 2021

CERTIFICATE OF SERVICE

I hereby certify that on the date below, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Federal Claims by using the CM/ECF system. I also certify that the foregoing document is being served on Defendant's counsel of record and that service will be accomplished by the CM/ECF system.

Respectfully,

s/ Heidi R. Burakiewicz

Heidi R. Burakiewicz

Date: January 12, 2021